

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NAKIA CHANEY,

Plaintiff,

v.

**9:15-CV-653
(TJM/ATB)**

GREGORY M. VENA, *et al.*,

Defendants

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This pro se action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In his Report-Recommendation (Dkt. No. 52), Magistrate Judge Baxter recommends that Defendants' motion for judgment on the pleadings, filed on behalf of defendants Vena and Bell (Dkt. No. 41), be denied, that plaintiff be given another thirty (30) days to serve defendant Bell, and that defense counsel be directed to either provide defendant Bell's current or last-known address so that the Marshal may serve the defendant or be prepared to accept service on his behalf. Defendants filed objections to the recommendations. Dkt. No. 54.

II. STANDARD OF REVIEW

When objections to a magistrate judge's report and recommendation are lodged,

the district court makes a “*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” See 28 U.S.C. § 636(b)(1); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997) (The Court must make a *de novo* determination to the extent that a party makes specific objections to a magistrate’s findings.).

III. DISCUSSION

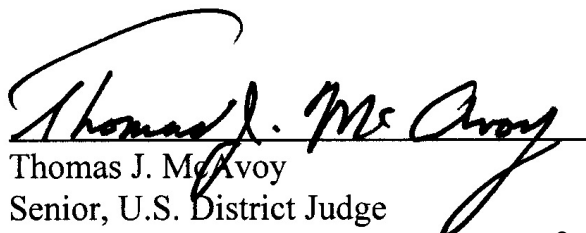
Having considered Defendants’ objections and having completed a *de novo* review of the issues raised by the objections, the Court has determined to adopt Magistrate Judge Baxter’s recommendations for the reasons stated in his thorough report.

IV. CONCLUSION

Accordingly, the Court accepts and adopts Magistrate Judge Baxter’s Report-Recommendation (Dkt. No. 52) in its entirety. Defendants’ motion for judgment on the pleadings, filed on behalf of defendants Vena and Bell (Dkt. No. 41), is DENIED. Further, plaintiff is given another thirty (30) days to serve defendant Bell, and defense counsel is directed to either (1) provide to plaintiff within five (5) business days of this Decision and Order defendant Bell’s current or last-known address so that the Marshal may serve the defendant, or (2) indicate to plaintiff within five (5) business days of this Decision and Order that counsel will accept service on defendant Bell’s behalf.

IT IS SO ORDERED.

Dated: September 20, 2017


Thomas J. McAvoy
Senior, U.S. District Judge